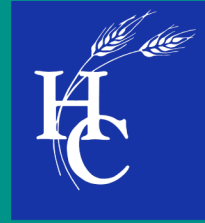




Department of Planning and Zoning



APPLYING FOR AN ADMINISTRATIVE ADJUSTMENT

WHAT IS AN ADMINISTRATIVE ADJUSTMENT?

Bulk Regulation Adjustments are similar to variances, which are heard by the Hearing Examiner. Section 100.F.1 of the Zoning Regulations permits the Department of Planning and Zoning (DPZ) to process and grant adjustments to zoning district bulk requirements such as minimum setbacks from and property lines, but only up to 20 percent of the stated bulk requirement. This process, which typically takes approximately five weeks from the time of application, allows for a streamlined alternative to the variance process heard by the Hearing Examiner. Regulations for maximum residential density and minimum lot size cannot be adjusted in this manner.

HOW DO I APPLY

Administrative Adjustment application forms may be obtained from the DPZ. Applications must be completely and accurately filled out. They must also include a plan containing those items listed on the application checklist. Department personnel are available to assist in explaining the administrative adjustment process and ensuring that petitions are properly filed. Filing fees are listed on the application form.

WHAT IS THE APPROVAL PROCESS?

Review Criteria - Bulk Regulation Adjustments

The Zoning Regulations contain four standards used to evaluate variance requests. Administrative Adjustments to the bulk regulations are subject to the same standards. The four general standards are:

- That there are unique physical conditions, including irregularity, narrowness or shallowness of the lot shape; exceptional topography, or other existing features peculiar to the particular lot; and that as a result of such unique physical conditions, practical difficulties or unnecessary hardships arise in complying strictly with the bulk provisions of these regulations.

- That the variance, if granted, will not alter the essential character of the neighborhood or district in which the lot is located; will not substantially impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare.
- That such practical difficulties or hardships have not been created by the owner. Where all other required findings are made, however, the purchase of a lot subject to the restrictions sought to be varied, shall not itself, constitute a self-created hardship.
- That within the intent and purpose of these regulations, the variance, if granted, is the minimum variance necessary to afford relief.

Scheduling

After a petition is accepted, a date will be assigned for a hearing to be held by a representative of the Director of the DPZ. The date assigned will be based on the legal notice posting requirement and the number of cases currently on the docket.

Posting

The DPZ will supply the posters, which provide public notice of the hearing; the required application fee is to be paid upon receipt of the posters. The property must be posted for at least 15 days prior to the hearing date. The Petitioner is responsible for erecting and maintaining the posters. Prior to the hearing, the Petitioner must submit an affidavit attesting that the property has been posted in accordance with the applicable requirements.

Hearings

The Petitioner or a designated representative must attend the hearing to present testimony supporting the petition and to answer any questions that may be raised. Petitioners may choose to represent themselves or may engage an attorney or other qualified professional to present the case. The Petitioner should be prepared to describe the request and how it relates to the applicable criteria. Any individuals interested in the petition may attend the hearing and present testimony as permitted by the Zoning Regulations and DPZ's Rules of Procedure.

Decision

The Director of the DPZ makes the decision on an administrative adjustment petition. The Director issues a written Decision and Order that will contain Findings of Fact, Conclusions of Law, the Decision and any conditions the Director finds appropriate. The Decision and Order is typically issued within two weeks after the hearing.

Appeals

A decision rendered in an Administrative Adjustment case may be appealed to the Howard County Board of Appeals. The Board will conduct a hearing regarding the petition. The appeal will be heard *de novo*, which means the hearing will not be based upon the record established in the Administrative Adjustment case.

Additional Requirements

For bulk regulation adjustments, building permits and other required plan approvals must be obtained prior to beginning construction on a project for which such an adjustment has been granted. For all nonresidential development, and for some types of residential development, the approval of a site development plan is required before building permits are issued. All approved permits and plans must conform to the administrative adjustment plan approved by the Director of the DPZ. Information on site development plan requirements may be obtained from the DPZ.

Expiration of Administrative Adjustments

An administrative bulk regulation adjustment is subject to the same limitations as a variance approved by the Board of Appeals. Unless a building permit conforming to the administrative adjustment plan is obtained within two years, and substantial construction is completed within three years from the date of the decision, the bulk regulation adjustment becomes void.

An important note...

This information is not to be considered as legal advice. Additional information concerning the administrative adjustment procedures may be found in Section 100.F of the Zoning Regulations.

Rev. 11/28/07